IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

CRL.A.No. 470 of 2001()

CC.79/1999 of JUDL. MAGISTRATE OF FIRST CLASS-IV (MOBILE), TRIVANDRUM

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APPELLANT:

NEMICHAND P., PROPRIETOR, MEENAKSHI MARKETING,
ATTIKAL SHOPPING COMPLEX, EAST FORT,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAJASEKHARAN NAYAR

RESPONDENTS:

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1. REJI, PROPRIETOR, GENERAL TRADERS,
GOVERNMENT HOSPITAL JUNCTION,
VALEATHANAM P.O.,
KOTTAYAM - 686 538.

2. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.470 of 2001

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Dated this the 24th day of July, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.79/1999 in the file of the Judicial Magistrate of the First Class-IV, Mobile Court, Thiruvananthapuram, the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 16/08/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.470 of 2001

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J U D G M E N T

24th July, 2007